

**REMARKS**

Claims 1-28 are pending in this application. Claim 27 is cancelled and claims 1, 3, 6, 7, 8, 10, 16, 19, 20, 21, 25, 26 and 28 are amended herein.

Claims 1, 10, 16, 20, and 26 are independent.

Claim 28 is amended solely to change parentage in view of the cancellation of claim 27.

Claims 1-28 stand rejected under 35 USC §112, second paragraph, as indefinite.

Claims 1, 3, 6, 7, 8, 10, 16, 19, 20, 21, 25 and 26 are amended, in a non-narrowing manner, to address the noted concerns as understood and discussed with the Examiner.

Accordingly, it is respectfully requested that the rejection of claims of 1-28 under 35 USC §112, second paragraph, be reconsidered and withdrawn.

Claims 1-15 and 26-28 stand rejected under 35 USC §103(a) as obvious over Kitchen et al. (U.S. Patent No. 6,289,322) in view of Official Notice taken by the Examiner. Claims 16-25 stand rejected under 35 USC §102(e) as anticipated by Kitchen. Claim 26 is amended to incorporate the features previously recited in claim 27, which has accordingly been cancelled. To the extent not addressed by the amendment of claim 26, the rejections are respectfully traversed.

As understood, the Examiner generally relies on the same basis for rejection as that asserted in the Official Action dated April 24, 2002. Except as follows:

1. With regard to claim 19, the Examiner acknowledges that the applied Kitchen reference does not teach the required database. Accordingly, it is presumed that this claim is allowable and that the asserted rejection was made in error.

2. The Examiner now asserts that claims 20-25 are anticipated by Kitchen, rather than obvious over Kitchen as was previously asserted, on the grounds relied upon in the rejection of claims 16-19.
3. Claims 26-28, which were added in the July 23, 2002 response to the April 24, 2002 Official Action, are rejected as obvious over Kitchen on the same grounds asserted in support of the rejection of claims 1,2, 4 and 5.
4. In rejecting claims 1, 6 and 7, the Examiner clarifies that Official notice is taken that "in most situations, the biller has the responsibility to determine the amount and due date for payment of a bill based on the user's usage information (The prior arts will be provided upon requested by Applicant)".

In responding to the traversal arguments submitted on July 23, 2002, in response to the Official Action of April 24, 2002, the Examiner states that "applicant stated that nowhere in Kitchen's teach an instruction to pay is transmitted by the user station to the biller station. Applicant argued far away the limitations in the claimed invention (claim 1), according to claim 1, an instruction to pay is transmitted by the user station to the central network station because the central network station receives the instruction to pay. "The transmitted information" that the biller received is unclear, it could be the relevant information. Examiner totally disagrees with applicant that Kitchen fails to discloses the determined amount of the available bill and the transmitted pay instruction are received by the central station in real time. See column 8, line 55-column 9, line 15, the user station transmits a payment instruction over the network to the central network

station and the central network station perform an electronic fund transfer the appropriate amount to the biller account."

The arguments traversing the prior art rejection submitted in the prior response filed on July 23, 2002 are reasserted and incorporated herein in their entirety by reference.

It is requested that the Examiner provide evidence supporting the Official Notice taken in the rejection of the claims, if these rejections are to be maintained.

With regard to independent claims 1, 10 and 16, and their dependencies, the Examiner, in the response to the prior traversal arguments, disagrees with Applicant's assertion in the July 23<sup>rd</sup> response that Kitchen fails to disclose that the determined amount of the available bill and the transmitted pay instruction are received by the central station in real time. The Examiner points to column 8, line 55, through column 9, line 15, of Kitchen as disclosing "the user station transmits a payment instruction over the network to the central network station and the central network station perform an electronic fund transfer the appropriate amount to the biller account."

The Examiner's position is not understood. As noted by the Examiner, the referenced text in columns 8 and 9 relates to the receipt by the central station of a payment instruction transmitted by the user station and the directing of an electronic fund transfer in the appropriate payment amount to the biller account by the central station. Hence, there is nothing in the referenced disclosure regarding the receipt of the determined amount of the available bill. Rather, the referenced text reflects the fact that the central station has previously received the amount of the available bill which is

stored as either normalized billing information 420d or bill summary information 420e (or both) as shown in Figure 2A.

As discussed in column 6, line 50, through column 7, line 5, the billing information received by the CF station 140 from the respective billers is normalized with different portions of the normalized bill information stored in the memory 420d, shown in Figure 2A. A summary of the received billing information is typically also generated for each of the payors and stored in the memory area 420e, shown in Figure 2A. The bill templates stored in area 420f can be merged with the normalized billing information to electronically present the billing information to the appropriate payor in substantially the same form as has historically been provided to the payor in hard copy (i.e. including the amount of the bill). Figures 9A-9C and 11, show exemplary summary and detailed bills as presented to the user by the central network station prior to the generation and transmission of the payment instruction from the payor station to the central station.

For example, as described by Kitchen in column 8, lines 52-55, the payor, after having received the bill presentment information, such as that shown in Figures 9A-9C and 11, can now request payment of a bill be made to the appropriate biller. Hence, Kitchen explicitly discloses that the bill amount must be received from the biller and stored at the central station prior to the payor station beginning a real time session with the central station during which the bill (including the amount) will be presented to the user. After presentment of the bill a pay instruction can be transmitted by the payor station and received by the central station. There is nothing whatsoever in Kitchen to suggest that all of these events (particularly receipt of the bill amount and the pay

instruction) could occur in real time (e.g. during a single user session). Rather, Kitchen clearly discloses that the information from the biller is received and stored well before the user even contacts the central station to have the bill presented. The referenced disclosure in columns 8 and 9 in the Examiner's response is entirely consistent with this construction of Kitchen.

As highlighted in the response filed on July 23, 2002, the Examiner relies on various portions of Kitchen as disclosing features corresponding to features recited in the present claims. However, a thorough review of the relied upon text fails to support the Examiner's contentions.

For example, as noted in the Applicant's response filed on July 23, 2002, the Examiner appears to have misconstrued Kitchen's disclosure in column 9, line 65, through column 10, line 5; column 6, lines 50-58, and column 8, lines 63-67; and column 9, line 65, through column 10, line 5. The Examiner has not provided any clarification in this regard.

Although Applicant acknowledges that it is well known for a biller to determine the amount of an available bill based upon relevant information (e.g. usage information) from a user, it is unclear how this could be used to modify Kitchen to result in the claimed invention.

While one skilled in the art might be motivated to modify Kitchen by allowing the biller to determine the amount of the bill based on information transmitted from the user Kitchen requires that the determined the amount of the bill be pre-stored prior to a user contacting the central station for presentment of the bill. It is irrelevant in Kitchen

whether the biller has made the bill amount determination based upon information which the biller received from the user or on some other basis.

Hence, even if the biller in Kitchen determined the bill amount based upon information from the payor, this would not result in any need to modify the system described by Kitchen, since Kitchen already allows the biller to determine the amount of the bill in any desired manner. What Kitchen lacks is the required communication of the bill amount and instruction for payment in real time, and the Examiner has failed to present any objective evidence that this limitation in the claims of the present application is made obvious by the applied art.

As discussed in detail in the bridging paragraph on pages 11 and 12 and the first two paragraphs of page 12 of the prior response filed on July 23, 2002, even if Kitchen were modified in view of conventional meter reading procedures, Kitchen would still lack the transmission of both the bill amount and an instruction to pay the bill amount in real time to a central station.

Independent claims 20 and 26, and their dependencies, recite the invention in a somewhat different manner.

Claim 20 requires (i) that bill availability information identifying an available bill of a first biller for a first user be transmitted to the first user, and (ii) that subsequent to this transmission, a communication of an amount of the available bill of the first biller for the first user (as determined by the first biller) be received, and (iii) a communication of an instruction of the first user to pay the available bill be received.

Claim 26 requires (i) that bill availability information identifying an available bill be

transmitted from the payment service provider station to the user station, (ii) that a user station transmit information relevant to an amount of an available bill to a biller station responsive receipt of the transmitted bill availability information identifying the available bill, (iii) that the amount of the available bill based upon the transmitted relevant information be determined at a biller station, (iv) that the determined amount be transmitted from the biller station to the user station, (v) that after transmission of the determined amount from the biller station, an instruction to pay the determined amount be transmitted from the user station, and (vi) that the transmitted instruction to pay the determined amount be received at a payment service provider station.

Thus, in both independent claims 20 and 26, the bill availability information identifying an available bill for a user is provided (e.g. by the service provider) prior to the amount of the bill is known. As discussed above in detail, as disclosed by Kitchen a notice that a bill is available is only presented to the user by the service provider after the amount of the bill has been determined by the biller (i.e. is known) notwithstanding how the bill amount might have been determined (i.e. whether the amount was determined based on relevant information which the user had previously provided to the biller, or not).

Hence, here also, even if Kitchen were modified in view of conventional meter reading procedures, Kitchen would still lack the transmission of the bill availability information identifying an available bill for a user prior to the bill amount of the identified available having been determined by the biller or the relevant information for determining the bill amount having been transmitted by the user to the biller.

Other features further and independently distinguish over the applied prior art as has been previously detailed in the response filed on July 23, 2002.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 01-2135 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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APPENDIX TO RESPONSE TO OFFICIAL ACTION DATED October 29, 2002

AMENDMENTS TO CLAIMS  
(DELETIONS IN BRACKETS AND ADDITIONS UNDERLINED)

Please amend the claims 1, 3, 6, 7, 8, 10, 16, 19, 20, 21, 25, 26 and 28 as follows:

1. (Twice Amended) An electronic bill payment network, comprising:
  - a plurality of user network stations associated with a plurality of different users, a first of the plurality of user network stations being associated with a first of the plurality of different users and operable to transmit, in real time, information relevant to an amount of an available bill and an instruction to pay the available bill;
  - a plurality of biller network stations associated with a plurality of different billers, a first of the plurality of biller network stations being associated with a first of the plurality of different billers and operable, in real time, to receive the transmitted relevant information and to determine the amount of the available bill based upon the received relevant information; and
  - a central network station operable to receive the determined amount of the available bill and the transmitted pay instruction, in real time, and to direct payment of the determined amount of the available bill based upon the [transmitted] received pay instruction [to pay that available bill].
3. (Twice Amended) A network according to claim 2, wherein the bill availability information identifies the available bill without identifying [an] the amount of the available bill.

6. (Amended) A network according to claim 1, wherein the transmitted relevant information is indicative of a quantity of product used.

7. (Amended) A network according to claim 6, wherein the transmitted relevant information is a meter reading.

8. (Amended) A network according to claim 1, wherein the transmitted relevant information is indicative of a disputed portion of a previously determined amount of the available bill.

10. (Amended) A method of paying electronic bills, comprising the steps of:  
transmitting, in real time, information relevant to an amount of an available bill, from a first network location;  
determining, in real time, the amount of the available bill based upon the transmitted information, at a second network location;  
receiving, in real time, the determined amount, at the first network location;  
transmitting, in real time, an instruction to pay the determined amount, from the first network location;  
receiving, in real time, the determined amount and the transmitted pay instruction, at a third network location; and  
directing payment of the determined amount of the available bill based upon the [transmitted] received pay instruction, from the third network location [station].

16. (Twice Amended) A electronic bill payment system, comprising:

a database configured to store bill availability information identifying available bills of a plurality of different billers for a plurality of different users;

a processor configured (i) to receive a real time network communication of an amount of one of the available bills identified in the stored bill availability information for a first of a plurality of different users from a first of the plurality of different billers and a real time network communication of an instruction to pay the one available bill from the first user, (ii) to generate a directive to pay the amount of the one available bill based upon the received communicated pay instruction, and (iii) to store the received communicated amount in the database in association with the bill availability information identifying the one available bill.

19. (Twice Amended) A system according to claim 16, wherein:

the database is further configured to store a previously received communicated amount of the available bill and the received amount of the one available bill.

20. (Twice Amended) An article of manufacture for paying bills electronically, comprising:

a computer readable storage medium; and

computer programming stored on the medium and configured to be readable from the medium by a computer processor and thereby cause the processor to operate in real time so as to:

transmit, to a first of a plurality of different users, bill availability information identifying an available bill of a first of a plurality of different billers for the first user;

receive, subsequent to the transmission, a communication of an amount of the available bill of the first biller for the first user determined by the first biller;

receive a communication of an instruction of the first user to pay the available bill; and

generate a directive to pay the received communicated amount of the available bill based upon the received communicated pay instruction.

21. (Amended) An article of manufacture according to claim 20, wherein the computer programming is further configured to cause the processor to operate so as to: to store the received communicated amount in a database.

25. (Amended) An article of manufacture according to claim 20, wherein the received communicated amount of the available bill represents an adjustment to a previously received amount of the available bill.

26. (Amended) A method of instructing payment of electronic bills in a single on-line user session, comprising the steps of:

transmitting, from a user station to a biller station, information relevant to an amount of an available bill;

determining, at a biller station, the amount of the available bill based upon the transmitted relevant information;

transmitting, from the biller station to the user station, the determined amount;

transmitting, from the user station after transmission of the determined amount from the biller station, an instruction to pay the determined amount; [and]

receiving, at a payment service provider station, the transmitted instruction to pay the determined amount; and

transmitting, from the payment service provider station to the user station, bill availability information identifying the available bill;  
wherein the information relevant to the amount of the available bill is transmitted from the user station responsive receipt of the transmitted bill availability information identifying the available bill.

28. (Amended) A method according to claim [27] 26, further comprising:

storing information indicative of the available bill, wherein the transmitted bill availability information is generated based on the stored information; and

storing the determined amount in association with the previously stored information indicative of the available bill based on the received payment instruction.